5th *December* 17. 35

Unto the Right Honourable the Lords of Council and Session.

THE PETITION OF

Mr. *Lewis Douglas* of *Garvet* Advocate, and *Thomas Boyes* Writer in *Edinburgh*, Creditors of the deceased Sir *Archibald Fleming* of *Farm*,

Humbly Sheweth,

THAT in the Question presently depending before your Lordships, betwixt the Petitioners and Mr. *Robert Blackwood* of *Pitreavie* Advocate, the Petitioners found themselves obliged to reclaim against certain Interlocutors pronounced by the Lord *Prestongrange* Ordinary in the Cause; and in the Petition they objected to the Copy of a Back-bond produced by Mr. *Blackwood*, said to have been granted by his Father to Sir *George Hamilton* and Sir *Archibald Fleming*, and relative to certain Debts assigned by Sir *George* to his Father, as not being full Evidence of the Tenor of that Back-bond.

That in the Answers given in for Mr. *Blackwood* to the Petition, he has informed the Court, that the original Back-bond itself, was once, and he believes is yet sequestrated with Sir *Archibald Fleming*'s other Writings, and is now under the Custody of Mr. *James Pringle*, one of your Lordships Clerks; and Mr. *Blackwood* insists, that it is incumbent upon the Petitioners to produce the above Back-bond granted to *Fleming* of *Farm*.

That as this Fact was never mentioned before the Lord Ordinary, and was unknown to the Petitioners, and as they are advised that it may be material for them, not only to have the original Backbond produced, but to have an Opportunity to inspect the other Writings in the Chest belonging to Sir *Archibald Fleming*, they are obliged to make this Application to your Lordships,

May it therefore please your Lordships to grant Warrant to Mr. Pringle, *or any of your Clerks, to open the Chest belonging to Sir* Archibald Fleming, *in their Custody, and to allow the Petitioners Inspection thereof, and to deliver up to the Petitioners upon Receipt, the foresaid original Backbond, or such other Writings therein contained, as they may find necessary to produce in the Cause presently depending with Mr.* Blackwood, *and to supercede advising the Petition and Answers for some Days, till the Petitioners have an Opportunity to search the Repositories of* Sir Archibald Fleming, *and to lay such Writings therein as they may find necessary before their Council.*

According to Justice, *&c.*

JA. FERGUSON.